

Congress of the United States

Washington, DC 20515

February 15, 2005

The Honorable Tom Ridge
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Re: Request Submitted Under the Freedom of Information Act

Dear Secretary Ridge:

This letter constitutes a request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). The request is submitted on behalf of the Congresswoman Louise Slaughter, Ranking Member of the House Rules Committee and Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee.

Recent news reports indicate that James D. Guckert, a Republican activist gained access to the White House press briefing room and Presidential press conferences in violation of standard security procedures and was allowed to work under the assumed name, "Jeff Gannon." News reports also indicate that Mr. Guckert would not be considered a bona fide journalist by his peers in the press corps, as most of his claims to legitimacy have already been discredited. Access to the President and his press corps is highly competitive, and many seasoned journalists have not had the honor of attending the events or enjoying the access Mr. Guckert has.

We are concerned that such an individual was allowed within a few feet of the President when the public is routinely disallowed any possible contact with either the President or the White House. We understand that your security policies are developed in conjunction with the White House and want to ascertain your respective roles in this decision as it appears to deviate significantly from heightened security measures you have employed recently. To the extent that White House policies were incorporated into the Secret Service's files and have been read by the Secret Service, we would also like records from the White House.¹

To determine what process you employ to clear individuals for attendance at events within a close proximity of the President, we seek the release of agency records as described in the numbered paragraphs below:

1. All records setting forth or discussing the standards the Secret Service or the White House impose on those who are granted access to the President and the

¹Evidence that a memorandum was incorporated into the agency's files and has been read by the agency is sufficient to render the document an agency record subject to the FOIA. *Artesian Industries v. Dept. of Health and Human Services*, 646 F. Supp. 1004 (D.D.C. 1986).

White House Briefing Room. Please include all records discussing whether the Secret Service or the White House routinely allow guests to use false names.

2. All records setting forth or discussing policies, procedures or guidelines discussing clearance into the White House Briefing Room, as it was applied to Mr. Guckert. Please include all records indicating how any such policies, procedures or guidelines were communicated to Mr. Guckert.
3. The White House Press Secretary denied any responsibility for determining who is granted clearance into the White House Briefing Room. Please disclose what individual or agency is responsible for requesting that the Secret Service conduct a security clearance for individuals or members of the media who wish to enter the White House Briefing Room.
4. All records relating to security qualifications for granting "permanent" White House press corps credentials and how they differ from those of a simple day pass.
5. All records indicating or discussing whether and to what extent someone who is cleared for a daily pass is required to be cleared each time they return on subsequent visits to the White House Briefing Room, as in the case of Mr. Guckert, who returned frequently for up to two years.
6. All records relating to how many daily passes are issued for White House briefings and Presidential press conferences at one time. Please include all records indicating whether there is a limit in place for security or other reasons.
7. All records setting forth or discussing who has the authority, if at all, to exempt an individual or member of the media from security clearance by the Secret Service in order to gain access to the White House Briefing Room.
8. All records indicating how many times and on what days Mr. Guckert was cleared by the Secret Service into the White House, and at whose request.
9. All records indicating what types of passes were issued for Mr. Guckert.
10. All records of communication between the Secret Service and Mr. Guckert. Please include all records, including telephone conversations, emails, or facsimile communications.

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We request a waiver of fees on the grounds that disclosure of the requested records is in the public interest and because disclosure "is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

The House Judiciary Committee and House Rules Committee publish newsletters, news briefings, and other materials that are disseminated to the public. These materials are widely available to everyone for no cost. The records requested are not sought for commercial use, and the requesters plan to disseminate the information disclosed as a result of this FOIA request through the channels described above.

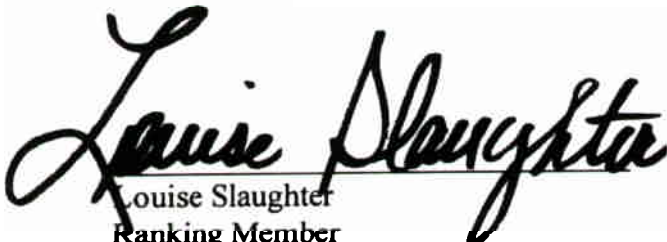
As indicated above, numerous news articles reflect the significant public interest in the records we seek. Disclosure of the requested records will contribute significantly to the public's understanding of government conduct.

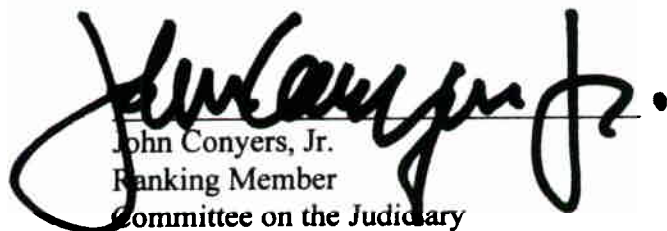
If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. We expect you to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

We look forward to your reply to the request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you in advance for your prompt attention and response to this matter.

Sincerely,


Louise Slaughter
Ranking Member
Committee on Rules


John Conyers, Jr.
Ranking Member
Committee on the Judiciary